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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,807	01/10/2001	Nobuhiro Komata	SCEI 17.998	7356
26304	7590	07/14/2005		
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER PAPPAS, PETER	
			ART UNIT 2671	PAPER NUMBER

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/757,807

Applicant(s)

KOMATA, NOBUHIRO

Examiner

Peter-Anthony Pappas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-10,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, 7-10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lien et al. (U.S. Patent No. 4, 245, 405), in view of Armstrong (U.S. Patent No. 5, 999, 084).

3. In regards to claim 1 Lien discloses a recording medium on which is recorded computer-readable and executable software programs that perform processing (column 6, lines 5-9; column 8, line 49-51) by taking commands as output from a controller (column 6, line 15-22) which has a variable output pressure sensing means (column 4, line 45-47), where the processing programs display messages on a screen of a computer (column 2, line 7) in accordance with the output of the controller (column 3, lines 22-23); where each message comprises a pre-defined sentence having a plurality of sentence components (column 2, lines 10-12) that are sequentially displayed on the screen (column 2, line 31-35) in pre-defined order (column 1, lines 52-53 – this is disclosed in the Summary, although the invention teaches towards random display).

Lien et al. fails to explicitly teach wherein a magnitude of an output value from said output pressure sensing means determines the sequential rate at which the sentence components are displayed on the screen. Armstrong teaches the ability to

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variably increase and reduce the sensor output dependent on the pressure exerted by the user in order to move faster or slower on a display (column 2, lines 66-67; column 3, lines 1-6). It would have been obvious to one skilled in the art, at the time of the applicant's invention, to incorporate the teachings of Armstrong into those taught by Lien et al., because Lien et al. utilizes an input device (keyboard) which includes pressure-sensitive keys for controlling display information (column 4, line 45-47) and by incorporating the teaching of Armstrong into said input device it would grant a given user the ability to exert greater control and thus gain greater precision in regards to how said display information is controlled by allowing said user to speed up or slow down said display information.

4. In regards to claim 2 Lien et al. fails to explicitly teach wherein the sentence components are sequentially displayed on the screen in said pre-defined order in accordance with a rate of change per unit time of an output value of the variable output controller pressure sensing means. Armstrong teaches that the compressive force on a variable conductance material (column 10, lines 53-59) causes objects to move faster or slower on the screen as shown above. It is noted that in accordance with Newton's second law of motion the change in velocity with which an object moves is directly proportional to the magnitude of force applied to the object. The motivation disclosed in the rejection of claim 1 is incorporated herein.

5. In regards to claim 4 Lien et al. teaches detecting an operation pressure of a user on the controller (column 5, lines 61-64), generating a variable pressure sensing output value (column 6, line 2) and generating the message components until the message is

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displayed (column 2, lines 28-35). The rationale disclosed in the rejection of claim 1 is incorporated herein.

6. In regards to claim 5 the rationale disclosed in the rejection of claim 2 is incorporated herein.

7. In regards to claim 7 Lien et al. fails to explicitly teach using a correspondence table to determine said sentence components to be sequentially displayed in accordance with said display rate and said variable pressure sensing output value. It is extremely well known to use databases comprising data tables (correspondence table) for the storage, retrieval and processing of data and thus it would have been obvious to one skilled in the art, at the time of the applicant's invention, to utilize databases as the means by which to store, retrieve and process information on the recording means taught by Lien et al., because databases provide a conventional means by which to store, retrieve and process data and do not require specific hardware for implementation thus allowing said databases to operate on a plurality of computer systems.

8. In regards to claim 8 Lien et al. teaches wherein sentence components are sequentially displayed in accordance with a rate of change between a previous pressure sensing output value and a current pressure sensing output value (column 13, lines 1-6).

9. In regards to claim 9 the rationale disclosed in the rejection of claim 4 is incorporated herein.

10. In regards to claim 10 the rationale disclosed in the rejection of claim 5 is incorporated herein.

11. In regards to claim 12 the rationale disclosed in the rejection of claim 7 is incorporated herein.

12. In regards to claim 13 the rationale disclosed in the rejection of claim 8 is incorporated herein.

Response to Arguments

13. In regards to Applicant's remarks that Lien et al. teaches displaying sets of words which have something in common and that said teaching does not constitute sentence components it is noted that Merriam-Webster defines a sentence as a word, clause, or phrase or a group of clauses or phrases forming a syntactic unit which expresses an assertion, a question, a command, a wish, an exclamation, or the performance of an action, that in writing usually begins with a capital letter and concludes with appropriate end punctuation, and that in speaking is distinguished by characteristic patterns of stress, pitch, and pauses. It is thus noted that Lien et al. is considered to meet the limitation of displaying a plurality of sentence components.

14. In regards to Applicant's remarks that Lien et al. is totally silent with regard to controlling the rate at which sentence components appear on the screen in response to pressure sensing means and that Lien et al. says nothing about the force with which the key is depressed it is noted pressure is considered a force and as Applicant correctly points out Lien et al. teaches the well-known feature of controlling a rate of presentation

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based on the length of time a key is continuously depressed (column 2, lines 24-26; column 4, lines 45-47) – the length of time a key has a pressure (force) exerted upon it.

15. In response to Applicant's remarks against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

16. In response to Applicant's remarks that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See the respective motivation for claim 1 above.

17. Applicant's arguments have been fully considered but they are not persuasive.

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter-Anthony Pappas whose telephone number is 571-272-7646. The examiner can normally be reached on M-F 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on 571-272-7782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PAP


ULKA J. CHAUHAN
PRIMARY EXAMINER